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In the Supreme Court of the United States

OCTOBER TERM, 1950

No. 85

LOCAL 74, UNITED BROTHERHOOD OF CARPENTERS AND JOINERS OF AMERICA, A. F. OF L., AND JACK HENDERSON, INDIVIDUALLY AND AS AGENT FOR LOCAL 74, UNITED BROTHERHOOD OF CARPENTERS AND JOINERS OF AMERICA, A. F. OF L., PETITIONERS

v.

NATIONAL LABOR RELATIONS BOARD

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

BRIEF FOR THE NATIONAL LABOR RELATIONS BOARD IN OPPOSITION

OPINIONS BELOW

The opinion of the court below (R. 200–210) is not yet reported. The findings of fact, conclusions of law, and order of the National Labor Relations Board (R. 53–63, 12–37) are reported at 80 NLRB 533.

JURISDICTION

The decree of the court below was entered on April 4, 1950 (R. 199). The petition for a writ

of certiorari was filed on May 22, 1950. The jurisdiction of this Court is invoked under Section 10 (e) of the National Labor Relations Act, as amended, and under 28 U. S. C. 1254 (1).

STATUTE INVOLVED

The pertinent provisions of the Labor Management Relations Act of 1947 (61 Stat. 136, 29 U. S. C., Supp. II, 141, *et seq.*), are set forth in the Appendix, *infra*, pp. 19–22.

QUESTIONS PRESENTED

The Board found that petitioners conducted a secondary boycott in violation of Section 8 (b) (4) (A) of the Labor Management Relations Act against Watson's Specialty Store by continuing in effect, after the effective date of the Act, a strike against one Stanley for the purpose of forcing Stanley to cease doing business with Watson. Watson is engaged in commerce within the meaning of the Act, although Stanley is not. The Board ordered petitioners to cease and desist from conducting such secondary boycotts against Watson. The questions presented are:[1]

[1] Petitioners' questions numbered 3, 4, 5, and 7 (Pet., pp. 13–14) rest on the assumptions that the unfair labor practice found consisted merely of a concerted refusal of employees to continue working with non-union men and that the Board's order requires employees to return to work. Since, as we show below, these assumptions are entirely unwarranted (*infra*, pp. 10, 16–17), questions arising out of them are not properly presented.

1. Whether the Board properly exercised jurisdiction over the unfair labor practice.

2. Whether the Board's finding that an object of the strike was to force Stanley to cease doing business with Watson is supported by substantial evidence.

3. Whether the Board properly found that petitioners violated Section 8 (b) (4) (A) by continuing in effect, after the effective date of the Act, a secondary boycott initiated prior to the Act's effective date.

4. Whether completion of Stanley's construction project, at which the strike occurred, renders the Board's order moot and unenforceable.

STATEMENT

A. *The facts as found by the Board.*—Upon the usual proceedings under Section 10 of the National Labor Relations Act, as amended, the Board, on November 22, 1948, issued its findings of fact, conclusions of law, and order. The pertinent facts may be summarized as follows:

The Ira A. Watson Company, hereinafter called Watson, is a corporation which maintains and operates a chain of 26 or 27 retail stores located in seven States including Tennessee (R. 54, 15; 66).[2] In about March of 1947, Watson began the

[2] Where, in a series of record references, a semicolon appears, the references preceding the semicolon are to the Board's findings, and those following the semicolon are to the supporting evidence.

operation of "Watson's Specialty Store" in Chattanooga, for the sale of paints and venetian blinds, and the sale and installation of coverings such as metal and linoleum coverings for walls, and asphalt tile, rubber tile, carpeting, and linoleum for floors (R. 15–16; 66–68). In the operation of this specialty store, Watson, for the period from March to September 1947, purchased goods valued at approximately $93,000, of which approximately 33 percent represented materials shipped to it at Chattanooga from States other than the State of Tennessee; approximately 30 percent represented materials purchased from local sources but manufactured outside the State and shipped to distributors in Tennessee; and approximately 35 percent represented stock received from a general store Watson had discontinued operating in Chattanooga, most of which stock originated outside Tennessee (R. 16; 68–71, 189–190). During the same period, Watson's sales and installation jobs amounted to approximately $100,000 of which about 8 percent represented sales and installations in States other than the State of Tennessee (R. 16; 73–77, 191–192).

Petitioner, Local 74, United Brotherhood of Carpenters and Joiners of America, A. F. of L., hereinafter called Local 74, is a craft union affiliated with the United Brotherhood of Carpenters and Joiners of America which in turn is an affiliate of the American Federation of Labor (R. 16; 126). Local 74 admits to membership

carpenters and other craftsmen, including those who perform work similar to that done by Watson's installation employees (R. 16; 126–127). It has jurisdiction over member workmen in Chattanooga and the surrounding area, including portions of the States of Georgia and Alabama. Petitioner Jack Henderson, during all of the times material herein has been, and is, the business agent of Local 74 (R. 16; 126).

When Watson opened the specialty store, Henderson, as business agent for Local 74, sought unsuccessfully to persuade Watson's installation employees to join the Union (R. 57, 17; 81–82). A few days later, Henderson requested A. D. Smith, the manager of the specialty store, to execute a closed shop contract with Local 74 as the bargaining agent of the installation employees (R. 57, 17; 82). Smith refused to execute the contract and, in the latter part of March, petitioners placed a picket in front of the specialty store during business hours carrying a placard which announced, over the name of Local 74, that Watson employed non-union labor (R. 17; 82).[3] This picketing continued until about August 28, 1947 (R. 18; 82–83).

On or about August 7, while the picketing above described continued, George D. Stanley, who had recently purchased a house near Chattanooga, contracted with D. F. Parker to improve and

[3] This picketing is in no way involved in petitioners' conduct which the Board found violative of the Act (R. 22–26).

renovate the house (R. 18; 91). Under the terms of the agreement, Parker was to furnish and supervise necessary workmen and to select the material needed for the improvements, while Stanley was to pay the wages of the workmen and the cost of necessary materials, pay a commission of 10 percent of the cost of both to Parker, and turn over to Parker the withholding taxes, social security deductions, and other items deducted from the wages of the workmen (R. 18; 92, 196). Pursuant to the terms of this agreement, Parker hired the necessary workmen, including members of Local 74 to do the carpentry work, obtained such material as was needed, and proceeded to renovate and improve the building in accordance with the contract (R. 19; 143–144).

While the work was in progress, it became necessary to select floor and wall coverings for the bathrooms and kitchen. Neither Parker nor Stanley was able to find the type of covering satisfactory to Stanley at any establishment in Chattanooga except Watson's, and Watson insisted that its own employees, who were non-union, must install any coverings it sold (R. 19; 92–93, 95, 144–145).

Parker and Stanley discussed the complications that might arise with the union employees employed at the Stanley residence if Watson's non-union workmen installed the coverings. At Parker's suggestion, it was agreed that Watson's

men should do their work at hours when the union men were off duty (R. 19; 95). Thereupon, Stanley made a special contract with Watson for the purchase and installation of the floor and wall coverings (R. 19; 84, 195).

On Sunday, August 17, while no other workmen were present, Watson's non-union employees began the work of installing the floor and wall covering (R. 19; 85, 96). They continued the work during regular hours on Monday and Tuesday, in the presence of the union workmen, including the members of Local 74 (R. 19; 85). On Wednesday, August 20, two of the union carpenters stopped work for about a half hour because of the presence on the job of Watson's non-union employees (R. 19–20; 116, 150–151). Parker was able to smooth over this difficulty and the carpenters returned to work and finished the day (R. 20; 151). However, on the morning of August 21, when one of Watson's non-union employees, Pozzuto, reported for work, Parker told him that he could not work that day as the union men were threatening to quit and suggested that he complete the installation work at night (R. 20; 85, 121). When Pozzuto refused, Parker telephoned Watson's manager, Smith, who directed Pozzuto to leave the building site (R. 20; 85–86, 121).

In the afternoon of the same day (which was one day before Section 8 (b) (4) (A) of the Act

became effective),[4] Henderson called at the Stanley residence and ordered the union carpenters, four in number, to "pack up their tools" and stop working on the Stanley residence because Watson's employees were working there (R. 57, 20; 97-99). Stanley arrived at about the same time and sought to persuade Henderson to countermand his order (R. 20; 100). Henderson suggested that Stanley cancel his contract with Watson as a means of getting the union carpenters to return to work (R. 57; 101, 111). This, Stanley declined to do. Thereafter, pursuant to Henderson's order, the union carpenters did not return to work on the following day (R. 20, 21; 111). Eventually, however, two of them disregarded the order and, without the knowledge or consent of Local 74, returned and finished the necessary carpentry work by the end of August (R. 21; 159). The installation of the floor and wall covering was completed by Watson's employees on or about August 28 (R. 21; 86).

The order given by Henderson was not revoked and it has never been rescinded. Henderson gave the order in accordance with a long standing rule of Local 74 not to permit its members to work on a job where non-union workers are employed.

[4] Briefly, Section 8 (b) (4) (A) of the Act, as here applicable, makes it an unfair labor practice for a labor organization or its agents to engage in, or induce employees to engage in, a strike an object of which is to force an employer to cease doing business with any other person (*infra*, pp. 19–20).

He testified that since Watson's non-union employees were working on the Stanley residence, it would have been a violation of the rules of Local 74 for the carpenters to have returned to that job on August 22 or thereafter. (R. 21; 136–138.)

B. *The Board's conclusions.*—The Board found that Watson was engaged in commerce within the meaning of the Act (R. 15–17, 54), that petitioners had induced employees to engage in a strike at the job on the Stanley residence, an object of which was to force Stanley to cease doing business with Watson (R. 57–58), that "any widespread application of such pressure by * * * [petitioners] to other customers of Watson, such as can reasonably be anticipated on the basis of this record, could well result in a substantial decrease in Watson's business and in material purchased from points outside the State of Tennessee" (R. 55), and that, accordingly, petitioners' conduct affected commerce within the meaning of the Act (R. 56). The Board further found that, although the strike was called on August 21, 1947, the day before the effective date of Section 8 (b) (4) (A) of the Act, it was continued on and after August 22, 1947, the effective date of said section of the Act (R. 58–60). The Board concluded therefore, that on and after August 22, 1947, petitioners engaged in conduct in violation of Section 8 (b) (4) (A) of the Act (R. 59–60).

C. *The Board's order.*—The Board ordered petitioners to cease and desist from engaging in, or inducing the members of Local 74 to engage in, a strike or concerted refusal in the course of their employment to perform services for any employer, where an object thereof is to require any employer or other person to cease doing business with Watson, and to post the customary notices of compliance (R. 61).

D. *The proceedings in the Court of Appeals.*—On June 15, 1949, the Board filed in the court below a petition for enforcement of its order (R. 1–5). On April 4, 1950, the court below handed down its opinion (R. 200–210) and entered its decree (R. 199) enforcing the Board's order in full.

ARGUMENT

1. Petitioners' contention (Pet., pp. 17–34) that the Board was without jurisdiction over the unfair labor practices here found because Stanley was not himself engaged in interstate commerce raises no substantial question warranting review. The unfair labor practice consisted of a secondary boycott against Watson, who, as the Board found, and as the evidence shows, is engaged in interstate commerce.[5] As the court below observed (R. 205), petitioners "treat this controversy as if it

[5] Petitioner does not challenge the Board's finding (R. 15–17, 54), that Watson is "engaged in commerce within the meaning of the Act" (Section 2 (6) and (7)).

were merely one between Stanley and union workers concerning wages, and ignore the Board's finding of fact based upon substantial evidence that the purpose of the ordered walk-out was to force Stanley to cease doing business with Watson's and thus conduct an illegal secondary boycott against a concern a part of whose business was interstate commerce."

The argument that the effect of the restraint is entirely local overlooks the impact of the boycott upon Watson's interstate business. As this Court has stated (*United States* v. *Women's Sportswear Association*, 336 U. S. 460, 464):

> The source of the restraint may be intrastate * * *; the application of the restraint may be intrastate, as it often is; but neither matters if the necessary effect is to stifle or restrain commerce among the states. If it is interstate commerce that feels the pinch, it does not matter how local the operation which applies the squeeze.

The restraint upon interstate commerce resulting from petitioners' boycott of Watson may not be measured solely by the impact of the strike at the Stanley residence. As the Board here found, it may reasonably be anticipated on the basis of this record that petitioners' boycott of Watson may be extended to other customers and "could well result in a substantial decrease in Watson's

business * * *." (*supra*, p. 9).[6] It is well settled that the Act applies to "individual cases without showing any specific effect upon interstate commerce, *United States* v. *Walsh*, 331 U. S. 432, 437–438; it is enough that the individual activity when multiplied into a general practice is subject to federal control, *Wickard* v. *Filburn* * * * [317 U. S. 111], or that it contains a threat to the interstate economy that requires regulation." *Mandeville Island Farms, Inc., et al.* v. *American Crystal Sugar Co.*, 334 U. S. 219, 236. Accord: *International Brotherhood of Electrical Workers, Local 501, et al.* v. *National Labor Relations Board*, 181 F. 2d 34 (C. A. 2), and *United Brotherhood of Carpenters and Joiners of America* v. *Sperry*, 170 F. 2d 863 (C. A. 10).[7]

Petitioners' argument that the Act was not intended to apply to the construction industry is refuted by the legislative history which shows that Congress sought to reach the practices prevalent among some building trades unions of refusing to install in any building the products of a particular manufacturer solely because of the union or non-union status of the manufacturer's

[6] For this reason petitioners' contention that the case falls under the *de minimis* principle is entirely unsound.

[7] The cases relied on by petitioners (Pet. 18–22) reflect "conceptions formerly held but no longer effective to restrict either Congress' power, *Wickard* v. *Filburn*, 317 U. S. 111, or the scope of the * * * coverage" of such legislation as the National Labor Relations Act. *Mandeville Island Farms* case, *supra*, 334 U. S., at p. 229.

employees. See, *e. g.*, Report of the Senate Committee on Labor and Public Welfare, S. Rep. No. 105, 80th Cong., 1st Sess., p. 22, and statements of Senator Taft in the course of debate on the proposed Act, 93 Cong. Rec. 4199. See also, 93 Cong. Rec. 4132, 5011. The argument which was rejected by the court below also has been rejected by the other courts of appeals which have considered the question. *International Brotherhood of Electrical Workers, Local 501, et al.* v. *National Labor Relations Board*, 181 F. 2d 34 (C. A. 2); *United Brotherhood of Carpenters and Joiners of America* v. *Sperry*, 170 F. 2d 863 (C. A. 10); *Slater* v. *Denver Building and Construction Trades Council*, 175 F. 2d 608 (C. A. 10). Accord: *LeBaron* v. *Building Trades Council*, 84 F. Supp. 629 (S. D. Cal.); *Brown* v. *Roofers and Waterproofers Union, Local No. 40, A. F. L.*, 24 LRRM 2472 (N. D. Cal.).

Nor is there merit in the contention that, because of the allegedly trivial character of the dispute, the Board, in the exercise of its discretion, should have refused to proceed. As Judge Learned Hand stated in rejecting a similar contention (*International Brotherhood of Electrical Workers, Local 501, et al.* v. *National Labor Relations Board*, 181 F. 2d 34, 36 (C. A. 2)):

> We should hesitate to say that we could have power ever to review the Board's action because we thought the situation was unimportant; but we need not now

decide more than that, if there may be such situations, they must be frivolous beyond rational question, and that the case at bar was certainly within the area of fair differences of opinion, which we must not invade.

2. Petitioners contend (Pet., pp. 34–40) that the strike resulted from Stanley's employment of non-union men and that, consequently, substantial evidence is lacking to support the Board's finding, sustained by the court below, that an object of the strike was to force Stanley to cease doing business with Watson. But the sufficiency of the evidence to support a Board finding is normally not a question warranting review by this court. In any event, the record shows, as the Board found, that the strike was not merely a refusal to work with non-union men but that it "had another and an unlawful objective": to forestall performance of the contract between Stanley and Watson and thereby prevent Stanley from doing business with Watson (R. 57–58, cf. 203, 205).* That the strike

The Board found that (R. 18, n. 11): " * * beginning in about July and continuing until well into October 1947, Local 74 ran advertisements in the Labor World (a weekly newspaper owned by the Central Labor Union which was sent to all AFL union members in the Chattanooga area, and a few subscribers, but which was not sold to the general public) naming local firms who employed members of Local 74 for installation work, and stating that Watson's employed non-union labor for this type of work. At the bottom of the advertisement which started in September appeared the statement, 'Do not be deceived by Watson's claim that this statement is not part of our craft' * * *."

may also have had other objects is irrelevant under the words of Section 8 (b) (4) (A). Appendix, *infra*, pp. 19–20. *International Brotherhood of Electrical Workers, Local 501, et al.* v. *National Labor Relations Board*, 181 F. 2d 34, 35–36 (C. A. 2); *National Labor Relations Board* v. *Wine, Liquor and Distillery Workers Union, Local 1, Etc., A. F. of L.*, 178 F. 2d 584, 586 (C. A. 2); *Shore* v. *Building & Construction Trades Council of Pittsburgh*, 173 F. 2d 678, 681–682 (C. A. 3). Cf. *Giboney* v. *Empire Storage & Ice Co.*, 336 U. S. 490, 502–504; *Lincoln Federal Labor Union* v. *Northwestern Iron & Metal Co.*, 335 U. S. 525, 531–533; *A. F. of L.* v. *American Sash & Door Co.*, 335 U. S. 538, 539–540; *Building Service Employees International Union, Local 262, et al.* v. *Gazzam*, No. 449, Oct. Term, 1949; *Hughes, et al.* v. *Superior Court of California in and for the County of Contra Costa*, No. 61, Oct. Term, 1949; *International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers Union, Local 309, et al.* v. *Hanke*, Nos. 309, 364, Oct. Term, 1949. There are no contrary holdings.

3. Petitioners' contention that the Board has here given retroactive effect to Section 8 (b) (4) (A) rests upon the fallacious assumption that the Board found petitioners' conduct in calling the strike prior to the effective date of the Act to be a violation (Pet. pp. 41–44). The court below specifically held that the Board based its finding that petitioners "were violating Section

8 (b) (4) (A), not upon their actions before the effective date of the Taft-Hartley Act, but in their keeping the strike order in effect after that amendatory Act of Congress became operative" (R. 207). That the Board may properly reach conduct continued in violation of the Act although such conduct was instituted prior to the effective date of the Act is not open to question. *Jeffery-DeWitt Insulator Co.* v. *National Labor Relations Board*, 91 F. 2d 134 (C. A. 4), certiorari denied, 302 U. S. 731; *United States* v. *Freight Association*, 166 U. S. 290, 342. In any event, petitioners' contention raises no question of general importance in the administration of the Act.

4. Petitioners' contention (Pet. pp. 16, 52–53) that the Board's order is moot, for the reason that all work on Stanley's residence has been completed, was properly rejected by the court below (R. 209–210). It is settled that a changed circumstance such as that cited by petitioners, like voluntary discontinuance of an unfair labor practice, will not render moot an order of the Board lawful when made. *National Labor Relations Board* v. *Pennsylvania Greyhound Lines, Inc.*, 303 U. S. 261, 271; *National Labor Relations Board* v. *Pool Mfg. Co.*, No. 435, Oct. Term, 1949; *National Labor Relations Board* v. *Crompton-Highland Mills, Inc.*, 337 U. S. 217, 225.

5. Since the unfair labor practice found by the Board consisted of petitioners' conduct in con-

tinuing in effect their order to employees to go on strike, question "3" urged by petitioners, which rests on the assumption that the finding was predicated upon the action of the employees in leaving work in concert, is not presented. Similarly, since the Board's order does not require any employees to return to work, but merely requires petitioners to revoke their strike order, the questions numbered 4, 5, and 7 of the petition, which rest on the contrary premise, are not presented. That the Board's findings and order, as written, do not impose involuntary servitude on petitioners or the employees is established by controlling decisions of this Court. *Giboney v. Empire Storage & Ice Co.*, 336 U. S. 490; *International Union, U. A. W., A. F. of L., Local 232* v. *Wisconsin Employment Relations Board*, 336 U. S. 245, 251. Accord: *National Labor Relations Board* v. *Wine, Liquor & Distillery Workers Union, Local 1, etc., A. F. of L.*, 178 F. 2d 584, 587–588 (C. A. 2); *International Brotherhood of Electrical Workers, Local 501, et al.* v. *National Labor Relations Board*, 181 F. 2d 34, 39–40 (C. A. 2). Cf. *National Labor Relations Board* v. *National Maritime Union of America*, 175 F. 2d 686, 692 (C. A. 2), certiorari denied, 338 U. S. 954; *Printing Specialties and Paper Converters Union, Local 388, A. F. of L.* v. *LeBaron*, 171 F. 2d 331, 334–335 (C. A. 9); *United Brotherhood of Carpenters and Joiners of America* v. *Sperry*, 170 F. 2d 863, 868–869 (C. A. 10).

CONCLUSION

The decision below, sustaining the Board's findings and order, is correct and presents neither a conflict of decisions nor any substantial question warranting review. The petition for a writ of certiorari should be denied.

Respectfully submitted.

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JUNE 1950.

APPENDIX

The relevant provisions of the Labor Management Relations Act of 1947 (61 Stat. 136, 29 U. S. C., Supp. II, 141, *et seq.*) are as follows:

* * * * *

SEC. 101. The National Labor Relations Act is hereby amended to read as follows:

* * * * *

"SEC. 2. When used in this Act—

* * * * *

"(6) The term 'commerce' means, trade, traffic, commerce, transportation, or communication among the several States, or between the District of Columbia or any Territory of the United States and any State or other Territory, or between any foreign country and any State, Territory, or the District of Columbia, or within the District of Columbia or any Territory, or between points in the same State but through any other State or any Territory or the District of Columbia or any foreign country.

"(7) The term 'affecting commerce' means in commerce, or burdening or obstructing commerce or the free flow of commerce, or having led or tending to lead to a labor dispute burdening or obstructing commerce or the free flow of commerce.

* * * * *

"SEC. 8. * * *

"(b) It shall be an unfair labor practice for a labor organization or its agents—

* * * * *

"(4) to engage in, or to induce or encourage the employees of any employer to engage in, a strike or concerted refusal in the course of their employment to use, manufacture, process, transport, or otherwise handle or work on any goods, articles, materials, or commodities or to perform any services, where an object thereof is: (A) forcing or requiring any employer or self-employed person to join any labor or employer organization or any employer or other person to cease using, selling, handling, transporting, or otherwise dealing in the products of any other produeer, processor, or manufacturer, or to cease doing business with any other person; * * *

* * * * * *

"PREVENTION OF UNFAIR LABOR PRACTICES

"SEC. 10. (a) The Board is empowered, as hereinafter provided, to prevent any person from engaging in any unfair labor practice (listed in section 8) affecting commerce. * * *

* * * * * *

"(b) Whenever it is charged that any person has engaged in or is engaging in any such unfair labor practice, the Board, or any agent or agency designated by the Board for such purposes, shall have power to issue and cause to be served upon such person a complaint stating the charges in that respect, and containing a notice of hearing before the Board or a member thereof, or before a designated agent or agency, at a place therein fixed, not less than five days after the serving of said complaint: * * *

"(c) * * * If upon the preponderance of the testimony taken the Board shall

be of the opinion that any person named in the complaint has engaged in or is engaging in any such unfair labor practice, then the Board shall state its findings of fact and shall issue and cause to be served on such person an order requiring such person to cease and desist from such unfair labor practice, and to take such affirmative action including reinstatement of employees with or without back pay, as will effectuate the policies of this Act: * * *

* * * * *

"(e) The Board shall have power to petition any circuit court of appeals of the United States * * * wherein the unfair labor practice in question occurred or wherein such person resides or transacts business, for the enforcement of such order and for appropriate temporary relief or restraining order, and shall certify and file in the court a transcript of the entire record in the proceedings, including the pleadings and testimony upon which such order was entered and the findings and order of the Board. Upon such filing, the court shall cause notice thereof to be served upon such person, and thereupon shall have jurisdiction of the proceeding and of the question determined therein, and shall have power to grant such temporary relief or restraining order as it deems just and proper, and to make and enter upon the pleadings, testimony, and proceedings set forth in such transcript a decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part the order of the Board. No objection that has not been urged before the Board, its member, agent, or agency, shall be considered by the court, unless the failure or neglect to urge

such objection shall be excused because of extraordinary circumstances. The findings of the Board with respect to questions of fact if supported by substantial evidence on the record considered as a whole shall be conclusive. * * * The jurisdiction of the court shall be exclusive and its judgment and decree shall be final, except that the same shall be subject to review * * * by the Supreme Court of the United States upon writ of certiorari or certification as provided in sections 239 and 240 of the Judicial Code, as amended (U. S. C., title 28, secs. 346 and 347)."

* * * * *

SEC. 104. The amendments made by this title shall take effect sixty days after the date of the enactment of this Act, except that the authority of the President to appoint certain officers conferred upon him by section 3 of the National Labor Relations Act as amended by this title may be exercised forthwith.

* * * * *

U. S. GOVERNMENT PRINTING OFFICE: 1950